

U.S.S.N. 10/737,360
Office Action Mailed on July 28, 2006
Amendment Filed January 29, 2007
Page 5 of 7

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Remarks

The Applicants have amended claims to expedite prosecution of a preferred embodiment. Accordingly, the Applicants do not abandon or disclaim any subject matter cancelled or withdrawn by the present Amendment. Thus, the Applicants reserve the right to pursue cancelled and withdrawn claims and subject matter in any continuation, divisional and/or continuation-in-part applications that may claim priority to the present application.

The Applicants have withdrawn claims 2-4, 11, 15 and 16 as directed to non-elected inventions. The Applicants have also cancelled claim 6 to expedite prosecution. The Applicants have amended claim 1 to a preferred embodiment, namely, to a method of treating solid tumors. Claim 10 has been amended to treatment of a solid tumor that is a glioma. The new claims 17 and 18 are directed to lung carcinoma and non-small cell lung carcinoma. Support for these amendments and new claims can be found throughout the specification, for example, in Table 1, and the Examples. The Applicants have further amended claims 13 and 14 to remove the references to trademarks and to re-write the generic substances without capitalization. Accordingly, no new matter has been introduced by the virtue of these amendments and their entry is respectfully requested.

Claim 10 was objected to because it referred to a table. The Applicants respectfully submit that the amendment to the claim has obviated this objection.

Claims 13 and 14 were objected to because they listed identical compounds in the form of a band name and an effective ingredient. The Applicants respectfully submit that the amendments to these claims have obviated this objection.

Claim 5 was objected to as being a duplicate of claim 6. While the Applicants maintain that, as described in the specification in paragraph [0020], the term concurrent is intended to incorporate both administration that is simultaneous in time and administration at different times during the course of a common treatment schedule. Accordingly, the Applicants have cancelled claim 6 as a substantial duplicate of claim 5. Applicants respectfully submit that this Amendment has obviated the objection.

U.S.S.N. 10/737,360
Office Action Mailed on July 28, 2006
Amendment Filed January 29, 2007
Page 6 of 7

Claims 1, 5-10 and 12-14 were rejected under 35 U.S.C. 112, first paragraph as not enabled. The Applicants respectfully submit that the scope of the presently amended claims complies with the requirements of 35 U.S.C. 112, first paragraph.

The applicants appreciate the Examiner's indication that claims to methods for treating a specific proliferative disease, such as glioma and lung carcinoma, would be enabled. Accordingly, the Applicants have amended claim 10 and the new claims 17 and 18 to these specific embodiments. The Applicants further submit, that the amended claim 1, also complies with the under 35 U.S.C. 112, first paragraph enablement requirement. One of the common treatment method for all solid tumors is radiation therapy. The Applicants have clearly shown in two different examples of solid tumors that the combination therapy as claimed clearly provides a significant improvement in the response of the solid tumors to the radiation therapy. Accordingly, the Applicants respectfully submit that the rejection of claims 1, 5-10 and 12-14 under 35 U.S.C. 112, first paragraph, should be withdrawn.

Claims 10, 13, and 14 were rejected under 35 U.S.C. 112, second paragraph as indefinite. The Applicants respectfully submit that the amendments to claims 10, 13, and 14 have obviated the rejection.

Claims 1, 7, 8, 12, 13, and 14 were rejected under 35 U.S.C. 102(b) as anticipated by Waksman et al. (Circulation, 2001).

The Applicants respectfully request that the rejection be withdrawn for the following reasons. The claims have been amended to a preferred embodiment, namely, to a method of treatment of solid tumors. Waksman does not disclose or suggest treatment of solid tumors. Accordingly, Waksman does not teach all the elements of the claims and the rejection under 35 U.S.C. 102(b) should be withdrawn.

Claims 5, 6, 9, and 10 were rejected as obvious under 35 U.S.C. 103(a) over Waksman et al.

The Applicants respectfully request that the rejection be withdrawn for the following reasons.

U.S.S.N. 10/737,360
Office Action Mailed on July 28, 2006
Amendment Filed January 29, 2007
Page 7 of 7

As discussed, *supra*, the claims have been amended to method of treatment of solid tumors. Waksman does not disclose or suggest treatment of solid tumors. Accordingly, the reference does not teach or suggest all the elements of the invention and thus the rejection under 35 U.S.C. 102(b) should be withdrawn.

In light of the above, the Applicants respectfully submit that the claims are now comply with the 35 U.S.C. §112, first and second paragraph, and §102, and are thus in condition for allowance. Early and favorable consideration is respectfully solicited. The Applicants encourage the Examiner to contact the undersigned attorneys by telephone should there be additional questions or comments regarding this application.

The Commissioner is hereby authorized to charge any fees or credit any overpayments that may be due in connection with this submission to Nixon Peabody LLP Deposit Account No. 50-0850.

Date: January 29, 2007

Respectfully submitted,



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